

FISCAL NOTE

SB 682 - HB 789

April 2, 2007

SUMMARY OF BILL: Requires trial judge to award all costs and attorney's fees to the prevailing party in all civil cases.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$266,000

Other Fiscal Impact – Increase Federal Expenditures - \$511,500

Assumptions:

- The amount of court costs collected is unchanged.
- The Department of Human Services (DHS) files civil actions on behalf of parents or non-parent caretakers who have applied to the Department for child support establishment or enforcement. The Department is prohibited from recouping costs from either party if he/she is recipient of IV-A and/or IV-E benefits.
- DHS handles approximately 1,550 cases per year where it would be assessed costs as such with an average of \$500 per case.
- DHS would incur \$266,000 in increased state expenditures and \$511,500 in increased federal expenditures at a 66% match rate.
- This legislation would nullify Tenn. Code Ann. § 36-5-101(r) which prohibits the assessment of costs against DHS if the court grants relief to the Department either in whole or in part and prohibits the assessment of attorney fees against the Department and/or any applicant for child support services.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

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A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director